

REMARKS

At the outset, Applicants wish to thank the Examiner for the courtesies extended in the telephone interview of November 28, 2007. At that interview, various claim amendments to further prosecution were discussed.

Claims 1-13 are pending in this application.

By this Amendment, claims 7, 8, and 9 have been canceled without prejudice or disclaimer. Claims 1-4, 6, 10, and 12 have been amended to recite that the polyethylene compositions have a trimodal molecular weight distribution, further define the polymer components A, B, and C in terms of viscosity values, and to specify that the comonomer of copolymer C has 4 to 8 carbon atoms. Support for these amendments can be found at page 3, line 3 to page 4, line 19. Since no new matter has been added by this Amendment, Applicants earnestly request entry and consideration thereof.

Also included with this Amendment is an Information Disclosure Statement (“IDS”) and associated PTO 1449 form. This IDS provides an English translation of the Fleissner reference, cited by the Examiner in the Office Action. The Fleissner reference and its English translation were previously submitted, however the English translation was apparently not available to the Examiner. Applicants earnestly request that the reference be considered by the Examiner and made of record herein.

Claim Rejections

Rejections Under 35 U.S.C. § 112

- A. Response to rejection of claims 1-13 under 35 U.S.C. 112, second paragraph as being indefinite.

Applicants kindly traverse this rejection. A fundamental principle contained in 35 U.S.C. 112, second paragraph, is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as any special meaning assigned to a term is clearly set forth in the specification.” See MPEP § 2111.01 III and § 2173.01.

With respect to rejection 3(a), Applicants respectfully submit that one skilled in the art would readily appreciate the metes and bounds of the claims, in that the composition in the

current claims has three polymer fractions, each with distinct molecular masses. The terms “low”, “high” and “ultra high” molecular mass polymers used in the claims clearly refer to polymers having respectively different (increasing, in the given order) molecular masses, i.e., an ethylene polymer fraction A which has a molecular mass lower than the molecular mass of ethylene polymer fraction B, which in turn has a molecular mass lower than the molecular mass of the third ethylene polymer fraction C. However, to further prosecution, Applicants have amended the claims to more particularly point out and distinctly claim that the composition has a trimodal molecular weight distribution, and to specify the polymer fractions in terms of viscosity numbers.

With respect to rejection 3(b), Applicants respectfully submit that one skilled in the art of polyethylene polymerization would understand the term “mileage” as used in the polymerization of ethylene using Ziegler catalysts, to mean catalyst productivity in terms of the mass of polyethylene produced per mass of catalyst metal (e.g., Ti). Applicants enclose with this Amendment as Attachment A several references published at the relevant time that demonstrate that one skilled in the art would have such an understanding.

With respect to rejection 3(c), Applicants have deleted the terms “first comonomer” and “second comonomer,” and have more particularly pointed out that the comonomer of copolymer C is C₄-C₈ material.

Reconsideration and withdrawal of the Rejection respectfully is requested.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have questions or comments regarding this application or this Amendment, Applicant’s attorney would welcome the opportunity to discuss the case with the Examiner.

The Commissioner is hereby authorized to charge U.S. PTO Deposit Account 08-2336 in the amount of any fee required for consideration of this Amendment.

This is intended to be a complete response to the Office Action mailed June 4, 2007.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with sufficient postage thereon with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 4, 2007.

Allyn A. Cutler

December 4 2007

Date of Signature

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ATTACHMENT A

1. Galli et al., "Advances in the Polymerization of Polyolefins with Coordination Catalysts," *Die Angewandte Makromolekulare Chemie*, 94, 63-69 (1981).
2. Böhm, "High Mileage Ziegler-Catalysts: Excellent Tools for Polyethylene Production," *Macromol. Symp.*, 173, 53-63 (2001).